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June 12, 2003

By fax (212) 637-3115

Eric Schaaf, Esq  
Deputy Regional Counsel  
US Environmental Protection Agency  
Region 2  
290 Broadway 17th Floor  
New York, N Y 10007

Re: United States v. Tropical Fruit  
O/F: 910.443

Dear attorney Schaaf:

Although I wanted to address the subject I will discuss in this letter by telephone, in view of some recent work commitments, it has not been possible to coordinate that telephone conversation.

The purpose of this letter is to present to you certain concerns that we have in relation to the implementation of the buffer zone at section D of the farm as that is provided in the Consent Decree.

In agreement with the Consent Decree, section D has a buffer zone of 173 ft. The Consent Decree also provides for two lines of neem trees that as a matter of fact have been planted in most of the area. The farm intends to comply fully with the planting schedule of the neem trees.

After the neem trees are planted, the farm can then plant plantains in the area in which in accordance with the Consent Decree, on or around 1000 mango trees will need to be removed.

The farm, as you know, has always been concerned with this part of the Consent Decree, and particularly, with the difficulty of removing approximately 1000 mango trees, considering the cost of removal and the survival ratio of mango trees subject to said procedure.

Further, if plantains are planted, they will have to remove and re-do the irrigation system for that particular section. Plantains are irrigated in a different manner than mango trees and that means that the farm will have to install a new piping system. The cost per acre of this procedure is estimated at approximately \$1,500 and the amount of acres involved is approximately 20 acres.

If the farm is subject to winds of 40 miles per hour, the plantains will be completely destroyed, losing therefore the purposes for which they were planted. It will take approximately one year to replant plantains in the buffer zone.

In view of the above, and the potential problems that may be encountered if winds of 40 miles per hour destroy the plantains, the farm wishes to submit to you, a proposal in which we understand your interest and that of the community will be protected, and the farm will also be able to operate in a more efficient manner. The proposal is as follows;

- 1 Allow the neem trees in the buffer zone to grow to their maximum height and density before destroying the mango trees.
2. Leave the mango trees as they are and establish adequate restrictions on how to apply pesticide to that particular section.
3. Once the neem trees grow to their optimum height and density, make a test to see how the neem trees are working as a buffer zone and if they work adequately, then allow the farm to retain the mango trees and to spray them with a mechanism agreeable to the parties.

I submit this proposal for your evaluation, and for discussion with farm representatives. I will appreciate if once you have had time to review this comments, you can call me in order to coordinate a meeting with Mr. Lubin to further discuss this alternative, and any other that may satisfy EPA's concerns and at the same time, allow the farm a more efficient operation.

Please call me at your earliest, since I will like to address this matter as soon as possible.

Yours very truly,

Jaime Sifre Rodríguez

xc: Mr. Avshalom Lubin

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